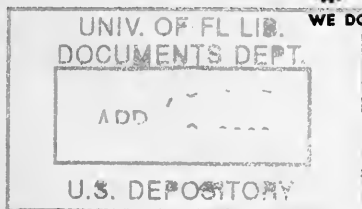


NATIONAL RECOVERY ADMINISTRATION

PROPOSED CODE OF FAIR COMPETITION
FOR THE
**PAINTING AND DECORATING
INDUSTRY**

AS SUBMITTED ON AUGUST 28, 1933



The Code for the Painting and Decorating Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and *none of the provisions contained therein are
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry*

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933

SUBMITTED BY
PAINTING CONTRACTORS' ASSOCIATION
CHICAGO, ILLINOIS

(II)

CODE OF FAIR COMPETITION FOR THE PAINTING AND DECORATING INDUSTRY

SUBMITTED FOR APPROVAL BY THE PAINTING CONTRACTORS' ASSOCIATION, CHICAGO, ILLINOIS

The Painting Contractors' Association is an Association composed of Employers of Labor in the Painting and Decorating Industry in Chicago, Illinois, and vicinity, including the towns of Berwyn, Cicero, Evanston, La Grange, Maywood, Oak Park, River Forest, and Waukegan, all in Illinois. The Membership of this Association consists of employers of skilled labor in the Painting and Decorating Industry who can be relied upon as to honesty and responsibility in their undertakings.

To effectuate the policy of Title I of the National Industrial Recovery Act, during the period of the emergency, by reducing and relieving unemployment, improving the standards of labor, eliminating competitive practices and methods of competition destructive and injurious to the interests of the Employers, Employees, and the Public, in all that concerns the Painting and Decorating Industry, and to otherwise rehabilitate and improve conditions in the Painting and Decorating Industry, the following provisions are established as a Code of Fair Competition for the Painting and Decorating Industry.

ARTICLE 1—DEFINITIONS

(a) As used herein the term "Painting and Decorating Industry" shall mean the application of painting materials of all kinds and descriptions in and on all buildings, structures, and parts of buildings and structures and including parts of buildings and structures finished or partly finished before being delivered at the buildings or structures and all wood finishing and/or work of a decorative nature and all preparatory work necessary and/or incidental to painting and decorating and all renovating and/or cleaning work and work pertaining to renovating and cleaning structures and buildings and parts thereof and the installation of hangings and ceiling and wall coverings in buildings and structures as is now customary and as is now practiced in the Painting and Decorating Industry.

(b) The term "Employer" shall mean any person or persons who employ labor in the execution and performance of any work in the painting and decorating industry as described herein.

(c) The term "Employees" shall mean all persons employed in the painting and decorating industry.

(d) The term "Effective date" shall mean fifteen (15) days after this Code shall have been approved by the President.

(e) The term "Person" shall mean any individual, partnership, association, trust or corporation.

ARTICLE 2—MINIMUM WAGE

The minimum wage that shall be paid by employers to any of their employees who are skilled craftsmen shall be *ONE DOLLAR AND FIFTY CENTS (\$1.50) per hour.*

ARTICLE 3—MAXIMUM HOURS

The maximum number of hours that a skilled craftsman in the painting and decorating industry shall work, or shall be permitted or directed to work, by his employer, shall not exceed SIX (6) hours per day or be more than THIRTY (30) hours in any one week. This provision as to maximum number of hours per day and per week shall not apply to office or administration help, foremen, superintendents or casual labor incidental to the painting and decorating industry.

ARTICLE 4—REPORTS

Every employer shall keep complete and accurate records of all his employees, the hours and days worked by his employees, and also a record of receipts and disbursements as to everything concerning his activity in the painting and decorating industry to enable said employer to furnish reports and information as may be required by the President or Administrator of this Act to determine the observance and effectiveness of this Code, and as to whether or not the painting and decorating industry is taking appropriate steps to comply with the declared policy of the National Industrial Recovery Act.

ARTICLE 5—PROVISIONS FROM RECOVERY ACT

(1) Employees shall have the right to organize and bargain collectively through representatives of their own choosing and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(2) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(3) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

ARTICLE 6—UNFAIR PRACTICES

(a) Employers shall not sell their services nor perform any work in the painting and decorating industry below cost to them to the detriment of their competitors in the painting and decorating industry.

(b) An employer shall not induce an Architect, General Contractor, Owner, Building Manager, or any other persons whatsoever to grant a secret payment of allowances, rebates, refunds, commissions, or unearned discounts either in money or in anything of value or to secretly extend or accept special privileges not extended to all

employers in the painting and decorating industry with the intent and/or effect of injuring a competitor in the painting and decorating industry.

(c) All employers of labor in the painting and decorating industry have the right to expect, where competitive bids are requested, that the contract will be awarded to the employer whose bid in itself is most acceptable. Any violation of this practice, or by any person calling for or receiving bids, and any acceptance of the benefits thereof by an employer shall be considered unfair competition not in accordance with the spirit and the intent of the National Industrial Recovery Act and shall be considered as a violation of said Act and of this Code and shall be reported to the Administrator of said Act.

(d) It shall be considered an unfair trade practice and unfair competition to divulge, or to in any manner convey to others, information relating to bids received, for the purpose of receiving a lower bid or to otherwise influence prices.

(e) An employer shall at all times present a fair and equitable bid upon the work and it shall be considered an unfair trade practice and unfair competition to revise such bid for the purpose of gaining an advantage over a competitor whose bid was lower at the outset. If there are changes in plans and specifications, his revised bid shall reflect only the value of such changes; except for such changes he shall make only one tender upon the job.

ARTICLE 7—LICENSES

The Painting Contractors' Association believes that it is essential to the effectiveness of this Code, or any Code relating to the industry, that employers in the painting and decorating industry be licensed.

(a) Upon the approval of this Code by the President, all employers of skilled labor in the painting and decorating industry shall be considered to be and are hereby declared to be licensed employers of skilled labor in the painting and decorating industry.

(b) A violation of any of the provisions of this Code relating to the maximum hours of labor and the minimum rates of pay as provided in Article #2, paragraphs A and B, by any employer shall cause the license of such employer to be revoked and his right to operate as an employer of skilled and apprentice labor in the painting and decorating industry shall thereupon cease.

(c) If any employer, whose license has been revoked, shall continue to operate as an employer of skilled labor in the painting and decorating industry, he shall be subject to the penalties provided for by the Laws of the United States for such conduct.

ARTICLE 8—INEQUITABLE RESTRICTIONS

The Painting Contractors' Association shall impose no inequitable restriction on admission to membership in the Association and nothing in this Code is intended or designed to promote a monopoly for the benefit of the members of the Association nor to eliminate, oppress, or discriminate against employers of this industry who are not members of this Association.

ARTICLE 9—AGREEMENT WITH NATIONAL INDUSTRIAL RECOVERY ACT

Employers of skilled labor in the painting and decorating industry will enter into any mutual agreement, and abide thereby, which shall have for its purpose, the establishment of the maximum hours of labor and minimum rates of pay, together with fair trade practices, as will effectuate the policies and provisions of the National Industrial Recovery Act. Such employers agree to exert every means of patience, diligence, and fairness in assisting all employers of labor in the painting and decorating industry to understand and abide by the purposes and intent of the National Industrial Recovery Act, and to assist in the proper administration of the purposes of said Act by reporting and assisting in the prosecution of all violations of this Code for the Painting and Decorating Industry as approved by the President.

ARTICLE 10—QUALIFICATIONS OF EMPLOYERS

All employers of labor in the painting and decorating industry shall be capable of completing and shall complete contracts strictly in accordance with specifications, samples submitted, or representation made prior to securing the contract.

It is understood that any of the provisions of this Code may be modified, with the approval of the President, in such manner as may be indicated by the needs of the Public, changes of circumstances or by experience and it is also understood that from time to time additional or supplementary Codes may be submitted, as circumstances seem to require.

The Painting Contractors' Association has compiled the foregoing provisions for the minimum wage and maximum hours of employment, both of which are agreeable to the employers and employees, in the Painting and Decorating Industry. Together with these major provisions, we have submitted what experience has proven to be for the best interests of the Public, the Employee, the Employer, and pledges itself to be in full accord with the spirit and intent of the National Industrial Recovery Act in the nation-wide plan to raise wages, create employment and thus increase purchasing power and restore business.

I, Chas. B. Hart, Secretary of the Painting Contractors' Association, do hereby certify that the foregoing is a true copy of the preliminary Code of fair competition presented to and approved by the meeting of the Trustees of said Association duly called and held at the Offices of the Association, 32 West Randolph Street, Room #1318, Chicago, Illinois, on the 10th day of August 1933, and referred to in the Resolution adopted by the said Trustees at such meeting and certified copy is submitted, herewith, dated August 10th, 1933.

CHAS. B. HART, *Secretary*.

Resolved, that the Board of Trustees of the Painting Contractors' Association is authorized and directed to cause application to be made to the President of the United States and to the Administrator under the National Industrial Recovery Act for approval of the proposed preliminary Code for the Painting and Decorating Industry, as approved at this meeting, with such modifications or additions as

the said Board of Trustees shall approve, with full power to provide for the representation of this Association before such Authorities in all matters relating to the Code and its construction and the action of said Authorities thereon.

I, Chas. B. Hart, Secretary of the Painting Contractors' Association, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Painting Contractors' Association at a meeting of the Trustees thereof at a meeting called and held at 32 West Randolph Street, Chicago, Illinois, on the 10th day of August 1933.

Dated this 15th day of August 1933.

CHAS. B. HART, *Secretary*.

Be it hereby resolved, that Painters' District Council No. 14 unanimously approves the CODE for painters, submitted above by the Painting Contractors' Association of Chicago, Illinois, and recommends that same be adopted.

PAINTERS' DISTRICT COUNCIL NO. 14,
A. W. WALLACE, *Secretary-Treasurer*.



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